

# **Response To Public Comments Received NOV. 29, 2007**

HINCKLEY DRIVE (S.R. 79) EXTENSION - PUBLIC MEETING COMMENTS - NOV. 29, 2007

Category/Issue	Comment #	Summarized Comment/Issue	Comment/Response
<b>R-O-W Impacts</b>	3,31,32,34,35,41,42.,45,46,65,6667,68,71,73,76,77,78,80,82,83,85,87,88	Strong concern that alternative will ruin current properties is unfair to property owners because they are not going to be compensated enough for the impacts. Concerned about being trapped in a property that's value is decreased and that they won't be able to sell. Comment that they are living in limbo. Belief that long-time residents shouldn't be displaced by the alignment. Also belief/suspicion that someone(developer/s) is benefiting from this alignment. People to the west of property owners with deep pockets are controlling the process. Comment that Wal-Mart is benefiting from this alignment. Comment/question about what impact it would have on Haven Produce.	<p>The intent of the project is to improve the roadway system for the general good. FHWA is charged with advancing transportation improvements in a timely manner and being good stewards of the human and natural environment. The process involves State, Federal and public partners. Outside of the need to meet statutory requirements which is the responsibility of FHWA, no single group or individual has greater influence or control over the project than any other stakeholder in the process.</p> <p>Government programs designed to benefit the public as a whole often result in acquisition of private property and, sometimes, in the displacement of people from their residences, businesses or farms. The Fifth Amendment of the U.S. Constitution states that private property shall not be taken for public use without just compensation. To provide uniform and equitable treatment for persons whose property is acquired for public use, Congress passed the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amended it in</p>

			1987. This law helps to ensure fair and equitable treatment of those affected by government projects. Rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations (CFR), Title 49, Part 24. All Federal, State and local government agencies, public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.
<b>Modified Alternative</b>	27,28,39, 50, 64, 90, 91, 92, 93, 94	Modified alignment with signalized intersection would help traffic flow more efficiently. Think a light at 3600 S. and Midland Dr. would work better because it would be more accessible to go north and easier to get onto Midland drive from 3600 S. going east. Comment of "build this sucker." Comment that the new proposal makes more sense for local traffic flow but doesn't seem to lessen the impact on property owners but likes the signal at Midland and 3600 S. Comment that Midland Drive needs to be widened to a four lane street.	Widening of Midland will be studied as part the SR-108 EIS.
<b>Noise</b>	7,31,35,41, 42,51,87,88	Questioned whether noise has adequately been addressed. Suggested need for noise/soundwall barriers. Question whether noise study considered the additional effect of the train traffic the construction of abutments will leave behind.	The primary sources of noise in the project area are train traffic from the UPRR tracks, air traffic from the Ogden-Hinckley Municipal Airport and Hill Air Force Base, and automobile and truck traffic from 1900 West, Midland Drive, and the existing Hinckley

			<p>Drive.</p> <p>The alignment actually moves farther north away from residents at this location.</p>
<b>Environmental</b>	41,41,45,72,75,76,79,83	Expressed concern for wildlife in the area and said the alignment would destroy habitat for a Golden Eagle, bobcat, squirrels, raccoons, skunks and hawks. Comments on preserving green spaces, farmland.	UDOT has reviewed the project and consulted the Utah Division of Wildlife Resources (UDWR) and their database that covers this project area and found no threatened or endangered species (See Appendix D). While it might be true that golden eagles, hawks, and falcons, along with squirrels, raccoons, skunks, etc. might be on or near area properties, it is the opinion of the UDOT Wildlife Biologist that any of these animals that exist in or near the project area, will either adapt to the new conditions, or move to more suitable habitats. There will be no net loss within this project area concerning wildlife values.
<b>Drainage</b>	35,42,85,87,88	Concern about drainage. Believe that drainage is already at capacity and that additional roadway will add to that. Concerned about the "pooling of water" that will occur because of run off from the highway. Want to know how UDOT will prevent flooding. Question/doubtful whether drainage can be tied into the UTA.	Drainage will be handled according to Federal and state standards.

<b>Original Alternative</b>	35	<p>Comment that project is a folly and unnecessary use of precious public lands. Comment that it is absurdity to pour resources into this short connection that does not accomplish the all important goal of providing an east/west corridor that could connect to Legacy. The Hinckley extension only allows westward travel to go as far as 3500 West where people run into another T intersection. Comment that during the 2001-2002 introduction to this "crazy idea" no examination of 3300 South as a viable alternative was presented.</p>	<p>The intent of the project is to improve the roadway system for the general good. It is part of the long range transportation plan. FHWA is charged with advancing transportation improvements in a timely manner and being good stewards of the human and natural environment. The process involves State, Federal and public partners. Outside of the need to meet statutory requirements which is the responsibility of FHWA, no single group or individual has greater influence or control over the project than the others</p>
<b>Other Alternatives</b>	3,7,13,18,31,34,41,41,65, 66, 67,68,69, 70 71,72, 73,75, 76,77,78,79 ,80,81,82,83,84,85,86, 87,88,89	<p>Comments that other alternatives than the Hinckley extension would be better and question why they haven't been considered. -Includes: 1. Connect Hinckley directly to Midland by reconfiguring the intersection at Autoliv. 2.Widen the road through the industrial corridor and avoid homes. 3.Build at a much lower elevation. -West 3300 is a better through way and would not be as costly. -Put 90 degree turns on 4000. Put the same on 1900 and 3300 at the bottom of the hill. -Look at going down Pennsylvania Ave. off of 31st street straight to 3300 S. - Have you considered the possibility of 3300 South from Pennsylvania Ave heading west to 5100 west? Would require only one railroad bridge.- The only thing that really needs to be done to improve the intersection at 1900 W. and Hinckley Dr. is to make a stop for people driving south on 1900 and</p>	<p>Two separate evaluations of alternatives have been completed relative to the Hinckley Drive Extension. The Wasatch Front Regional council evaluated alternative and chose the extension of Hinckley Drive since individual spot improvements, as suggested at left in the public comments, would not provide the system benefits necessary to carry out the long range plan. The original Environmental Assessment also evaluated several alternatives. The alternative selected was the most cost effective, least damaging, practical alternative that would minimize impacts while improving safety and overall network efficiency for the community at large.</p>

		dual turn lanes for those turning south off Hinckley. - Question what is wrong with traffic turning north to Midland/3300 South or South to 4000 at the 1900 W. intersection instead of building Hinckley extension	
<b>Access</b>	63	Concern that portions of land (Kay property) will not be accessible once the Hinckley Extension is built.	Access will be maintained or granted according to state policy
<b>Security</b>	2	Comment (Taylor West Weber Water) that the new alternative is too close to their water tank and could pose a security threat.	The project will provide access for public safety and emergency services. Individual property security is the responsibility of the owner.
<b>Public Outreach</b>	3,7,18,31,32,34, 35,73	More advertisement needed for public meetings. More people at meeting to answer questions. Have been given conflicting information by UDOT. Don't trust UDOT and think their comments will be ignored. Complaints that UDOT has not communicated enough or been willing to meet with people one-on-one. Accusations that UDOT has been "bought off". Comment that decision has	Meetings, newsletters, and newspaper announcements have provided opportunity for comment. This document will be available for comment.  Privacy laws require protecting the rights of citizens; therefore lists are not arbitrarily published.

		<p>already been made and that public meeting was held between major holidays so that people won't have opportunity to comment. Comment that requests for list of affected property owners has not been answered. Why does Ombudsman's office state that public has right to those names but doesn't provide them?</p>	<p>The intent of the project is to improve the roadway system for the general good. It is part of the long range transportation plan. FHWA is charged with advancing transportation improvements in a timely manner and being good stewards of the human and natural environment. The process involves State, Federal and public partners. Outside of the need to meet statutory requirements which is the responsibility of FHWA, no single group or individual has greater influence or control over the project than the others</p>
<b>Project Maps/Displays</b>	34,35	Maps do not show adequate detail.	<p>The environmental analysis process limits design to 30 percent. Full engineering plans can be produced upon completion of the design.</p>

Area Traffic	13, 35	<p>Comment that it is prudent to complete the widening of Midland Drive between Hinckley Dr. and 4000 So. as soon as funds are available. There will be a bottleneck created at the intersection of Hinckley Dr. and Midland Dr. if Midland isn't widened to 4000 So. Some of the bottleneck traffic eliminated if 4 lanes to 4000 S. would then allow some traffic to turn west toward West Haven and Hooper as opposed to bottlenecking at Hinckley &amp; 4000 intersection. People from Ogden area choosing to use the Trax station could then turn east on 4000 to the Trax Station. Travelers who are west to Roy, West Haven and Hooper would choose the 31st I-15 exit road west on Hinckley then south on Midland west on 4000. - Hinckley needs a red light stopping southbound traffic on 1900 W. so the westbound traffic could flow into two lanes instead of one that must merge immediately. -Midland and 400 need better turn lane only signaling. - Comment that doesn't make best use of current traffic patterns. Says current proposal would chop up the easy flowing route by forcing traffic to turn off Midland onto either Hinckley Drive or a new Midland Drive access road, then having to make a 90 degree turn at a stop controlled intersection before being able to rejoin Midland Drive. Says UDOT should focus on keeping this NE-SW throughfare intact. Thinks best option would be new traffic pattern north, having Hinckley Drive merge with Midland, 3300 S. and 1900 W with a single high volume interchange.</p>	<p>Widening of Midland will be studied as part the SR-108 EIS.</p> <p>Part of the purpose of the project is to improve the system as a whole. The intersection of Midland and Hinckley in the proposed configuration does that.</p> <p>The travel demand model demonstrates that the miles travelled and delays are reduced and the intersection geometry is improved over the original alternative.</p>
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<b>Structure</b>	35	Comments about cement abutments and long 'wing' walls. Concern about how the abutments will look and that they will trap sound of each passing train. Concern that the walls will be target for graffiti.	There will be an aesthetics committee established with members from UDOT , the cities, and the public.
<b>Other</b>	69,70, 74	Comment of safety concern that road would be extended right down the flight path for aircraft landing on runway 7 of the Hinckley Airport. Could also be a problem for liftoff from runway 25. UDOT should slow down until they are sure of the future of Legacy. UDOT should focus their funds on real problems like Ogden Canyon and other death traps in the area.	<p>The Hinckley Drive Extension would improve access to the airport and in no way hinder its operation.</p> <p>Project priorities are decided by the legislature and the Wasatch front regional council and placed on a statewide transportation improvement plan which UDOT then implements.</p>

# Cultural Resources



State of Utah

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.  
*Executive Director*

CARLOS M. BRACERAS, P.E.  
*Deputy Director*

January 24, 2008

Cory Jensen  
Architectural Historian/National Register & Survey Coordinator  
Division of State History  
300 Rio Grande  
Salt Lake City, UT 84101-1182

RE: SHPO Case Number 01-1785  
UDOT Project Number: STP-0079(2)0; Hinckley Drive to SR-108; Davis County, Utah. **Finding of No Adverse Effect.**

Dear Mr. Jensen,

The Utah Department of Transportation (UDOT), in partnership with the Federal Highway Administration (FHWA), is preparing to undertake the subject federal-aid project. The project proposes to extend Hinckley Drive (SR-79) from 1900 West (SR-126) to Midland Drive (SR-108) (see attached map). The project is needed in order to reduce roadway congestion, eliminate roadway deficiencies, and allow for regional growth.

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. §470 et seq., and Utah Code Annotated (U.C.A.) §9-8-404, the FHWA, in partnership with the UDOT, is taking into account the effects of this undertaking on historic properties, and will afford the Advisory Council on Historic Preservation (Council) and the Utah State Historic Preservation Office (USHPO) an opportunity to comment on the undertaking. Additionally, this submission is in compliance with Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. § 138 (as amended) and 49 U.S.C. § 303 (as amended).

In 2001, the Determinations of Eligibility and Findings of Effect were sent to your office and concurrence with those determinations was given (please refer to Case #01-185). This document serves as an addendum to those findings and contains the Findings of Effect (for both Section 106 and Section 4(f)) for architectural properties affected by the project. These findings are provided in Table 1.

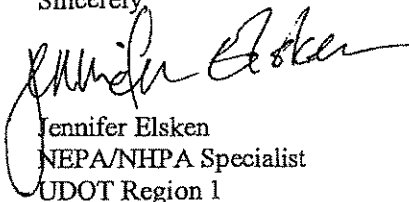
Table1. Findings of Effect on Architectural Properties within the project APE.

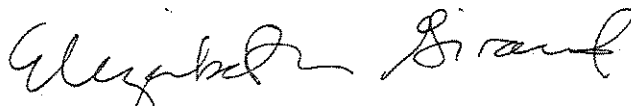
Address	Date	Style	SHPO Rating	Finding of Effect	Section 4(f) Use
3713 Midland Drive West Haven	1930	Agricultural outbuildings only	Eligible: B	No Adverse Effect	<i>de minimis</i>
3575 Midland Drive West Haven	1935	Outbuilding only (modern residence adjacent)	Eligible: B	No Adverse Effect	<i>de minimis</i>
3594 Midland Drive West Haven	1950	WWII-era Cottage, general Post- WWII style	Eligible: B	No Adverse Effect	<i>de minimis</i>

The original Finding of Effect for these three properties was No Historic Properties Affected. Changes to the design plans have resulted in a finding of **No Adverse Effect** for each property (see enclosed maps). Impacts to each historic property consist of minor strip takes and easements. Additionally, this project will have *de minimis* impacts to these three properties.

Please review this document and, providing you agree with the findings contained herein, sign and date the signature line at the end of this letter. Should you have any questions or need additional information, please feel free to contact me at (801) 620-1635 or [jelsken@utah.gov](mailto:jelsken@utah.gov).

Sincerely,

  
Jennifer Elsen  
NEPA/NHPA Specialist  
UDOT Region 1

  
Elizabeth Giraud  
Architectural Historian  
UDOT

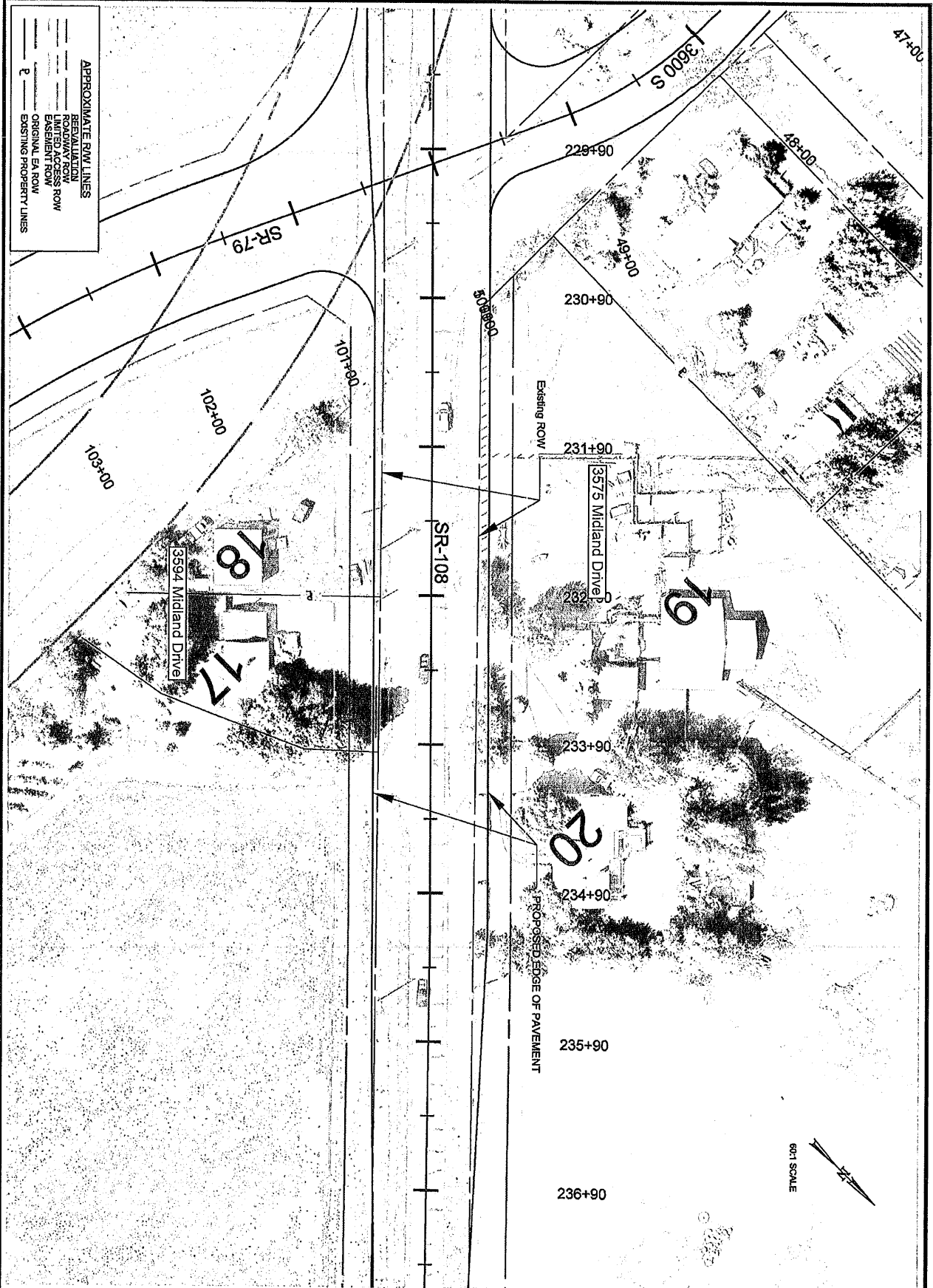
Enclosures

cc: File

Regarding UDOT Project Number: STP-0079(2)0; Hinckley Drive to SR-108; Davis County, Utah, I concur with the finding of effect, submitted to the Utah State Historic Preservation Office in accordance with Section 106 of the NHPA and U.C.A. 9-8-404, which states that the UDOT has determined that the build alternative for the proposed project will be **No Adverse Effect**.

  
Cory Jensen  
Architectural Historian/National Register & Survey Coordinator  
Division of State History

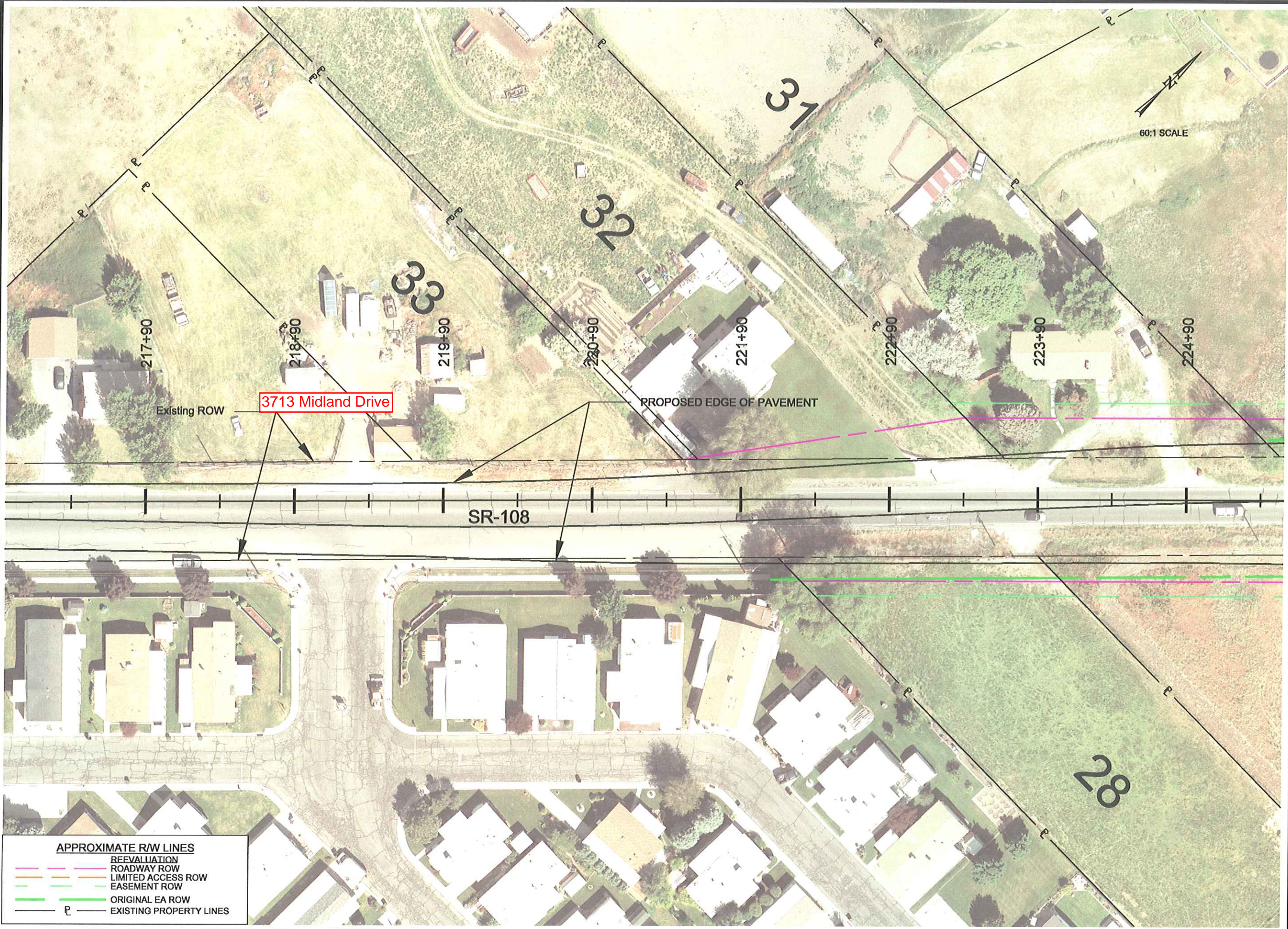
1/31/08  
Date



SHEET NO.	PROJECT	HINCKLEY DRIVE TO SR-108		UTAH DEPARTMENT OF TRANSPORTATION REGION ONE DESIGN		REVISIONS	
	PROJECT NUMBER	CONST. NEW ROAD, RR OVERPASS					
		STP-0079(2)0		APPROVED	DRAWN BY		
	HISTORICAL PROPERTIES (17, 19)		PROFESSIONAL ENGINEER	DATE	QC CHECKED BY		
				NO	DATE	APPROVED BY	REMARKS



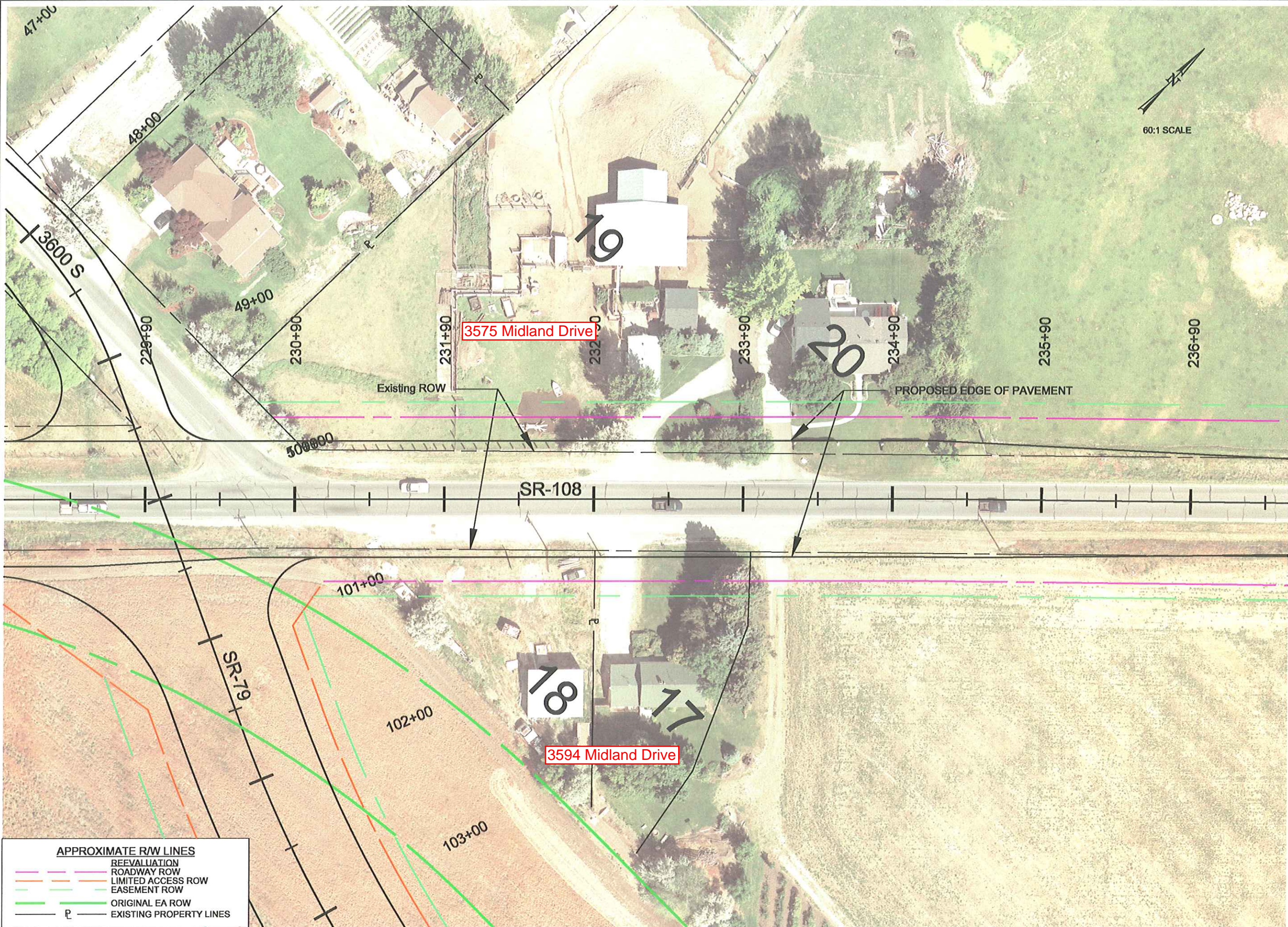




PROJECT		HINCKLEY DRIVE TO SR-108		UTAH DEPARTMENT OF TRANSPORTATION		REVISIONS	
PROJECT NUMBER		CONST. NEW ROAD, RR OVERPASS		REGION ONE DESIGN			
STP-0079(2)0		APPROVED		DRAWN BY			
HISTORICAL PROPERTY (33)		PROFESSIONAL ENGINEER		MM/DD/YY			
				DATE			
				APPROVED BY			
				NO.		REMARKS	
SHEET NO.							



24-JAN-2020 DCN File N:\Projects\2578\_10\Design\Reevaluation\RM\_Historic\17\_19.dgn



PROJECT		HINCKLEY DRIVE TO SR-108		REVISIONS	
PROJECT NUMBER		CONST. NEW ROAD, RR OVERPASS			
STP-0079(2)0		APPROVED			
HISTORICAL PROPERTIES (17, 19)		REGION ONE DESIGN			
		PROFESSIONAL ENGINEER			
		DATE			
		MM/DD/YY			
		DRAWN BY			
		QC CHECKED BY			
		NO.		DATE	
		APPROVED BY		REMARKS	





U.S. Department  
Of Transportation  
Federal Highway  
Administration

Statewide  
programmatic  
agr.

Utah Division  
2520 West 4700 South, Ste. 9A  
Salt Lake City, UT 84118-1847

June 12, 2007

File: Section 4(f) *De Minimis*

Mr. Wilson Martin  
State Historic Preservation Officer  
Division of State History  
300 South Rio Grande Street  
Salt Lake City, Utah 84101

**Subject:** Section 4(f) *De Minimis* Determination; Pursuant to SAFETEA-LU Section 6009  
In Conjunction with Section 106 Programmatic Agreement Among the Federal Highway  
Administration, the Advisory Council on Historic Preservation, the Utah State Historic  
Preservation Officer, and the Utah Department of Transportation

Dear Mr. Martin:

This letter was prepared in response to the FHWA December 13, 2005 Guidance regarding Section 6009 (a) of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (SAFETEA-LU) Act Pub. L. 109-59. Section 6009 allows increased flexibility with respect to minor transportation impacts to Section 4(f) properties, including historic properties. It simplifies the processing and approval of federally funded transportation projects that have a *de minimis* impact on lands protected by Section 4(f). For historic properties, a finding of *de minimis* impact on a historic site may be made by the FHWA when Section 106 consultation results in the *written* concurrence of the SHPO with the determination of "no adverse effect" or "no historic properties affected".

Public Law 109-59 (SAFETEA-LU) has no new Section 106 implications other than the requirement for written SHPO concurrence with Section 106 findings of effect for individual Section 4(f) properties. It does require FHWA to notify the SHPO of FHWA's intent to utilize the finding of "no historic properties affected" or "no adverse effect" for individual Section 4(f) properties as a basis for making a Section 4(f) *de minimis* use finding.

The December Guidance offers two specific points of relevant direction:

**Question B. How should the concurrence of the SHPO and/or THPO, and ACHP if participating in the Section 106 determination, be documented when the concurrence will be the basis for a *de minimis* finding?**

**Answer:** Section 4(f) requires that the SHPO and /or THPO, and ACHP if participating, must concur in writing in the Section 106 determination of "no adverse effect" or "no historic properties affected." The request for concurrence in the Section 106 determination should include a statement informing the SHPO or THPO, and ACHP if participating, that the FHWA or FTA intends to make a *de minimis* finding based upon their concurrence in the Section 106 determination.

**MOVING THE  
AMERICAN  
ECONOMY**



Under the Section 106 regulation, concurrence by a SHPO and/or THPO may be assumed if they do not respond within a specified timeframe, but Section 4(f) explicitly requires their written concurrence. It is recommended that transportation officials share this guidance with the SHPOs and THPOs in their States so that these officials fully understand the implication of their concurrence in the Section 106 determinations and the reason for requesting written concurrence.

**Question C. Certain Section 106 programmatic agreements (PAs) allow the lead agency to assume the concurrence of the SHPO and/or THPO in the determination of "no adverse effect" or "no historic properties affected" if response to a request for concurrence is not received within a period of time specified in the PA. Does such concurrence through non-response, in accordance with a written and signed Section 106 PA, constitute the "written concurrence" needed to make a *de minimis* finding?**

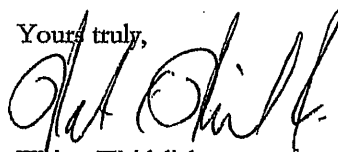
**Answer:** In accordance with the provisions of a written and signed programmatic agreement, if the SHPO and/or THPO does not respond to a request for concurrence in the Section 106 determination within the specified time, the non-response together with the written agreement, will be considered written concurrence in the Section 106 determination that will be the basis of the *de minimis* finding by FHWA or FTA.

FHWA or FTA must inform the SHPOs and THPOs who are parties to such PAs, in writing, that a non-response that would be treated as a concurrence in a "no adverse effect" or "no historic properties affected" determination will also be treated as the written concurrence for purposes of the FHWA or FTA *de minimis* use finding. It is recommended that this understanding of the parties be documented by either appending the written notice to the existing PA, or by amending the PA itself.

According to 2005 Guidance, by transmittal of this letter, the FHWA is notifying your office of FHWA's intent to make the Section 4(f) *de minimis* use finding for properties where a determination of no historic properties affected (no effect), or no adverse effect have been concurred in by your office or when your office has not replied within the appropriate timeframe with written concurrence.

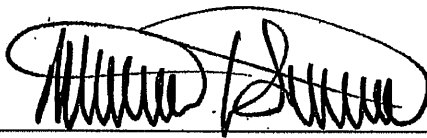
By the following signature, the SHPO acknowledges it has been notified of the intent of the FHWA to make a *de minimis* finding based on Section 106 determinations of effect for specific properties.

Yours truly,



Walter Waidelich  
Division Administrator

Concurrence:



~~Wilson Martin~~, State Historic Preservation Officer

7/19/07

Date

**Matthew T. Seddon, RPA  
Deputy State Historic  
Preservation Officer**

# **Wildlife Resources**

# Memorandum

Utah Department of Transportation

To: Christopher Lizotte, Environmental Manager  
UDOT, Region 1

From: Paul W. West, Wetlands/Wildlife Biologist  
UDOT, Environmental Services

*P.W.W.*

Date: February 21, 2008

RE: STP-0079(2)0 - Extension of Hinkley Drive to SR-108 in Ogden, Weber County (PIN 2578)

CC: Shane Marshal – UDOT, Environmental Services  
Rebecca Stromness – UDOT, Environmental Services  
Ed Woolford – FHWA  
Scott Walker – UDWR, Northern Region  
File

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I understand UDOT is proposing to extend Hinkley Drive from approximately 900 West to Midland Drive (SR-108) in Ogden (see enclosed location map). Since it has been a few years since the U.S. Fish and Wildlife issued a concurrence letter for this project, I am now issuing this memo in lieu of an updated concurrence letter from them.

A current review of the Utah Division of Wildlife Resources (UDWR) database indicates that no federally listed, threatened, endangered, or candidate species, or any critical habitat would be affected by this project.

In accordance with the U.S. Fish and Wildlife Service memo dated January 27, 2006, we are not required to obtain a concurrence letters from them for “no-effect” determinations. Therefore, this memo is issued in-lieu of their concurrence letter for your environmental documentation.

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I have also evaluated this project with respect to wildlife concerns. Based on the Utah Division of Wildlife's, Natural Heritage database, UDOT's Traffic and Safety data, and the Wildlife Connectivity database, it is my opinion that this project should have no effect to important wildlife habitat, big game migration routes, wildlife connectivity, state sensitive species, or fish passage.

I realize there were some concerns expressed in a recent public meeting about golden eagles, hawks, and falcons, along with squirrels, raccoons, skunks, etc. living in the local area. However,

the UDWR has no record of any state sensitive species existing within a mile of the project area. Therefore, it is my opinion that if these animals do exist on or near the project area, they will either adapt to the new conditions, or move to more suitable habitats.

If you have any questions, please call me at (801) 965-4672, or email at [paulwest@utah.gov](mailto:paulwest@utah.gov)



